

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

De'Amontae Manning,

Plaintiff,

v.

Case No. 1:22cv371

Ronald Erdos, *et al.*,

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation ("R&R") filed by the Magistrate Judge on October 17, 2022 (Doc. 7).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties may forfeit rights on appeal if they failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's R&R (Doc. 7) have been filed and the time to do so has expired.

Accordingly, it is **ORDERED** that the R&R (Doc. 7) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, the complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b), with the exception of plaintiff's First Amendment retaliation claims against defendants Fuller, Lawrence, Sparks, Tiulin, Mullenix, and Henderson for damages in their individual capacities and his Eighth Amendment deliberate indifference claims for damages against defendants Harris, Groves, and Keeney in their individual capacities.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing

reasons an appeal of any Order adopting this Report and Recommendation would not be taken in good faith, and therefore, denies plaintiff leave to appeal in forma pauperis. See *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

s/Michael R. Barrett
Michael R. Barrett, Judge
United States District Court